

REMARKS

Claims 8-14 are pending in the instant application. Claim 15 has been added by this Amendment. No claims have been cancelled by this Amendment. Therefore upon entry of this present Amendment claims 8-15 will be pending.

Claim Objections

Claims 8, 9, 13, and 14 have been objected to for informalities. The informalities have been addressed.

Claim Rejections - 35 USC § 112

Claims 1-3 and 8 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants have amended the claims to overcome this rejection.

Claim Rejections - 35 USC § 101

Claims 9-13 were rejected under 35 U.S.C. §101. Applicants have amended claims 9-13 to claim a computer-readable medium encoded with a hyperframe overcoming this rejection

Claim Rejections - 35 USC § 102

Claims 8 -13 were rejected under 35 U.S.C. § 102 as being anticipated by Chow United States Patent Number 6,009,122.

Chow has been assigned to Texas Instruments Incorporated—assignee of the instant application.

Chow teaches a time division duplex (TDD) DSL system with a superframe structure, where the superframe structure is of the format: x downstream frames, 1 quiet frame, y upstream frames, 1 quiet frame. This is Chow's x-1-y-1 notation (the Examiner provides a reference to 9-1-9-1 for a 20 frame superframe. Chow explicitly

mentions downstream, quiet and upstream frames. Chow also teaches the selection of x and y to reach a downstream and upstream data rate target (col. 9, lines 14 – 31).

The instant application claims a hybrid time division duplex (TDD) and frequency division duplex (FDD) system with a hyperframe structure, where the hyperframe structure is of the format: x downstream and upstream frames (SYMBOLS) (instead of downstream only), 1 partial band downstream frame (SYMBOL) (instead of quiet), y full band downstream frame (SYMBOLS) (equivalent), and 1 partial band downstream frame (SYMBOL) (instead of quiet). This type of hybrid system is not taught by Chow, alone or in combination. Thus, claims 8-13, 15 should be allowed.

Applicants submit that the claims are in condition for allowance and respectfully request a Notice of Allowance. Please charge any additional fees, or credit overpayment to Deposit Account No. 20-0668. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicants.

Respectfully submitted:

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